

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 10262 (Application 22156)

Morgan Weatherly, Hornstein McInerney, John Guilfooy and Jane Guilfooy

ORDER REVOKING LICENSE

SOURCE: Maacama Creek

COUNTY: Sonoma

WHEREAS:

1. License 10262 was issued to Rudolph S. Malmgren on May 16, 1974, pursuant to Application 22156 and was recorded by the County Recorder of Sonoma County on May 20, 1974, in Book 2865, Pages 392-393.
2. License 10262 was subsequently assigned to Morgan Weatherly, Hornstein McInerney, John Guilfooy and Jane Guilfooy on January 7, 2002.
3. John Guilfooy, primary owner of License 10262, requested on April 12, 2010, that the License be revoked by the State Water Resources Control Board (State Water Board), Division of Water Rights (Division).
4. The Division interprets the licensee's request for revocation as a waiver of the notice and hearing requirements set forth in Water Code sections 1675 through 1675.1.

Therefore, it is ordered that License 10262 is hereby revoked by the State Water Board, and the water is declared to be subject to appropriation. This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past State Water Board decisions regarding water availability.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
JOHN O'HAGAN FOR:

Victoria A. Whitney
Deputy Director for Water Rights

Dated: JUN 28 2010



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 22156

PERMIT 15062

LICENSE 10262

THIS IS TO CERTIFY, That

RUDOLPH S. MALMGREN
13671 CHALK HILL ROAD, HEALDSBURG, CALIFORNIA 95448

HAS made proof as of AUGUST 8, 1973 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
MAACAMA CREEK IN SONOMA COUNTY

tributary to RUSSIAN RIVER

for the purpose of IRRIGATION USE
under Permit 15062 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from MAY 19, 1965 and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed THIRTY-FIVE THOUSANDTHS (0.035) CUBIC FOOT PER SECOND,
TO BE DIVERTED FROM MAY 1 TO AUGUST 31 OF EACH YEAR. SO LONG AS THERE IS NO
INTERFERENCE WITH OTHER RIGHTS, JUNIOR, AS WELL AS SENIOR, LICENSEE MAY INCREASE
HIS RATE OF DIVERSION TO A MAXIMUM OF 0.1 CUBIC FOOT PER SECOND; PROVIDED THAT
THE TOTAL QUANTITY DIVERTED IN ANY 30-DAY PERIOD DOES NOT EXCEED 2.1 ACRE-FEET.
THE MAXIMUM AMOUNT DIVERTED UNDER THIS LICENSE SHALL NOT EXCEED 8.5 ACRE-FEET
PER YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 2,200 FEET AND WEST 3,600 FEET FROM SE CORNER OF PROJECTED SECTION 20, T9N,
R8W, MDB&M, BEING WITHIN NE1/4 OF SW1/4 OF SAID SECTION 20.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

5 ACRES WITHIN NE1/4 OF SW1/4 OF SECTION 20, T9N, R8W, MDB&M.

UPON A JUDICIAL DETERMINATION THAT THE PLACE OF USE UNDER THIS LICENSE OR A
PORTION THEREOF IS ENTITLED TO THE USE OF WATER BY RIPARIAN RIGHT, THE RIGHT SO
DETERMINED AND THE RIGHT ACQUIRED UNDER THIS LICENSE SHALL NOT RESULT IN A
COMBINED RIGHT TO THE USE OF WATER IN EXCESS OF THAT WHICH COULD BE CLAIMED UNDER
THE LARGER OF THE TWO RIGHTS.

DURING THE PERIOD OF MAY 1 THROUGH MAY 31 OF EACH YEAR FOR THE PRESERVATION
OF FISHLIFE, LICENSEE SHALL NOT DIVERT WHEN STREAMFLOW AT THE POINT OF DIVERSION
IS 1.5 CUBIC FEET PER SECOND OR LESS.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

[illegible]

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board. [X] []

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

~~Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.~~

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: MAY 16 1974

STATE WATER RESOURCES CONTROL BOARD

R L Roubenberger
Chief, Division of Water Rights